

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK CABBIL-BEY,

Plaintiff,

Case No. 1:09-cv-723

v.

Honorable Paul L. Maloney

MICHIGAN DEPARTMENT
OF CORRECTIONS et al.,

Defendants.

ORDER FOR PARTIAL SERVICE

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's request for class certification is DENIED.

IT IS FURTHER ORDERED that Plaintiff's action against Defendants Michigan Department of Corrections, Patricia Caruso, Jeff Baumann, Mary Berghuis, and Thomas Bell be DISMISSED WITH PREJUDICE either because the Defendant is immune or because the complaint fails to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this order one copy of the amended complaint and the exhibits attached to the original complaint.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiff shall request that the prison make two (2) copies of the amended complaint and exhibits for service upon Defendants Dave Burnett and Shirlee Harry. Plaintiff is responsible for the cost of the copies.

If Plaintiff does not have sufficient funds to pay for the copies, the Michigan Department of Corrections provides loans for legal copies. *See* MICH. DEP'T. OF CORR., Policy Directive 05.03.116.

IT IS FURTHER ORDERED that within fourteen (14) days of this order, Plaintiff shall file with the Court the requisite number of copies of the complaint and exhibits along with a copy of this order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fourteen-day period. Should the Court find that the prison failed to make copies upon Plaintiff's request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Corrections for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court or affidavit explaining why Plaintiff is unable to provide the requested copies may result in the dismissal of his action without prejudice by the Court.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall arrange for service of summons and complaint, along with a copy of this order, upon Defendants.

IT IS FURTHER ORDERED that Defendants shall reply to the complaint by way of answer, motion to dismiss, or motion for summary judgment within the time allowed by law. *See* 42 U.S.C. § 1997e(g)(1).

Dated: December 15, 2009

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge